

# FILING AN APPEAL

## A Licensee's Rights and Responsibilities

1. Any ruling or decision of the stewards may be appealed to the Racing Commissioner for review.
2. All appeals must be in writing in the manner prescribed by the Racing Commissioner. Appeals must be filed with the Office of Racing Commissioner (ORC) in Lansing, within 10 days of proper notice of the penalty or imposition of the discipline from which you appeal. Copies of the preferred Appeal Form are available at any ORC racetrack office.
3. Your appeal must specify the reasons for appeal of the original ruling or penalty. Please include a copy of the original steward's ruling or penalty notification if available.
4. The filing of an appeal does not automatically stay enforcement of the decision or ruling from which you appeal. You may request in your appeal that enforcement of the stewards' ruling be stayed. A stay of enforcement will be granted only if the ORC determines that the stated reasons for appeal establish:
  - (a) that you will suffer irreparable harm in the absence of a stay;
  - (b) that there is a strong likelihood that you will prevail on the merits;
  - (c) that the harm to you in the absence of a stay outweighs the harm that will be suffered by the public or others if a stay is granted.
5. Your current mailing address and telephone number must be included in your appeal. It is your responsibility to notify and advise the ORC of any changes in your address or telephone number during the appeal process.
6. After receiving your appeal, the ORC will schedule a pre-hearing conference to discuss your appeal, as well as the procedural issues in the hearing process. If a subsequent hearing before an Administrative Law Judge is scheduled, you will be sent a hearing notice as to the time, date and place of your appeal hearing before a State Office of Administrative Hearings and Rules (SOAHR) Administrative Law Judge. At your appeal hearing you have the following rights:
  - (a) to represent yourself or to be represented by an attorney;
  - (b) to summon and call witnesses to testify on your behalf;
  - (c) to present relevant evidence and information;
  - (d) to confront and cross-examine adverse witnesses;
  - (e) to make opening and closing arguments in support of your appeal.
7. After completion of your appeal hearing, the Administrative Law Judge assigned to hear your appeal will submit a written recommendation to the Racing Commissioner regarding the disposition of your appeal based upon the hearing record. The Racing Commissioner will issue a final decision based upon the Administrative Law Judge's recommendation and the record on appeal.
8. In deciding your appeal, the Racing Commissioner may affirm, modify, reverse or vacate the stewards' ruling from which you appeal. Modification of the stewards' ruling by the Racing Commissioner may include increasing or decreasing the penalties imposed against you by the original stewards' ruling.